

**-- FILE COPY --**

**HUDSON PLANNING BOARD  
MEETING MINUTES  
June 25, 2008**

**I. CALL TO ORDER**

Chairman Barnes called this Planning Board meeting to order at 7:04 p.m. on Wednesday, June 25, 2008, in the Community Development meeting room in the Hudson Town Hall basement.

**II. PLEDGE OF ALLEGIANCE**

Chairman Barnes asked Mr. Hall to lead the assembly in pledging allegiance to the Flag of the United States of America.

**III. ROLL CALL**

Chairman Barnes asked Secretary McGrath to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

**Members**

**Present:** James Barnes, George Hall, Marilyn McGrath, Suellen Quinlan, Terry Stewart, and Richard Maddox (Selectmen's Representative).

**Members**

**Absent:** Vincent Russo (excused).

**Alternates**

**Present:** Tierney Chadwick and Ken Massey (Selectmen's Representative Alternate).

**Alternates**

**Absent:** Brion Carroll (excused).

**Staff**

**Present:** Town Planner John Cashell.

**Recorder:** J. Bradford Seabury.

**IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS**

Chairman Barnes seated Ms. Chadwick in place of the absent Mr. Russo.

**V. MINUTES OF PREVIOUS MEETING(S)**

Chairman Barnes noted that he had not assigned any minutes to be reviewed this evening. He then asked that the Board be prepared at the next meeting to review the minutes for the meetings of 04-02-08 (as provided in the 04-23-08 packet) and the 04-09-08 minutes (provided in the 05-14-08 packet).

**VI. CORRESPONDENCE**

Chairman Barnes stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

**A. 26 Derry Road Realty Holdings, LLC – SP# 19-06**

**Letter dated 05-12-08 from Atty. Zall to Town of Hudson Planning Board,  
John Cashell, Town Planner**

Chairman Barnes read aloud the published notice, as repeated above.

Chairman Barnes stepped down, turning the gavel over to Ms. Quinlan, noting that he had stepped down from previous hearings pertaining to this plan because of his association with the applicant.

Acting Chairman Quinlan noted that several letters had been received, which she would like to make part of the record. She then read from those letters, as follows:

1. From Jean Plummer and two others, 20 Baker Street, dated 06-21-08, complaining about the lighting on the subject property.
2. From two residents of 23 Baker Street, signatures unreadable, and another resident of 5 Leslie Street, dated 06-22-08, complaining about parking on Leslie Street and the lighting, as well as fencing.
3. From Ms. Rita Shea, formerly of 29 Baker, now 10 Derry Street, dated 06-24-08, complaining about the appearance of the new building, the inappropriate fencing, and "ridiculous" lighting.
4. From James & Sandra Hayes, 24 Baker Street, referencing previously agreed upon issues and complaining that the property owner had ignored them, with particular concern being expressed about parking on Leslie Street, "glaring" lighting, and the "plastic" fence.
5. From Ms. Ann Brooke Smith, 3 Leslie Street, complaining about the lighting and the parking taking place on the streets, dated 06-23-08, accompanied by a copy of a petition previously submitted on 03-20-07, signed by 19 residents of the neighborhood, with that petition requesting certain characteristics to be required of the property by the Planning Board, including that "natural

material" fencing be provided rather than a white vinyl fence and that any security lights not create visual disturbance/light pollution.

Atty. Jeffrey Zall, representing the property owner, Dr. Rabeh Hassan Ebeed, noted that he had not received copies of these letters. Town Planner Cashell said all of them had been delivered to Town Hall only today. Selectman Massey gave Atty. Zall his copies. Atty. Zall said his client had stopped parking from occurring on Leslie Street, saying it would be posted. With respect to the "excessive" lighting, he referenced the original plan, saying no lighting had been planned but they subsequently had realized that lighting would be needed for safety concerns in the winter, and Dr. Ebeed, not being aware of the restrictions, had installed it. He said the lighting would not be active except during normal business hours during the winter and would be off by 5:00 p.m. or 6:00 p.m. He said the "triple" light at the rear entrance had already been changed in response to a neighbor's complaint. He reiterated that all lighting would be turned off after normal business hours.

Atty. Zall referenced his 05-12-08 letter, noting that the only vinyl fence available at the two places researched by his client (Loews and Home Depot) was colored white, and he stated that Dr. Ebeed had not realized that a different color was a condition of approval. He said he was here tonight to ask the Planning Board to waive the restriction on the plan approval that the color of the fence be other than white. He displayed photographs of the existing fence and the previous fence, as well as a white vinyl fence across the street, and he then contended that having to take down the existing fence, find another fence, and install it would be an excessive expense that really did not make sense.

Atty. Zall said he would also request an amendment of the plan approval to allow the existing lighting, reiterating that the lighting would be active only during regular business hours.

Atty. Zall said a third request was that his client would like to put in a walkway to access a new door being planned for the rear, with this walkway to be in the area designated on the plan as "landscaped open space," as his client felt that deliveries to the rear door had turned out to be inappropriate. He said the delivery people would park in the front and use the walkway to get to the rear.

Atty. Zall expressed a hope that the Planning Board would address these waiver requests this evening, and he then displayed photographs showing the existing front of the building, as contrasted with what had been there before.

Acting Chairman Quinlan asked if staff had any further questions. Town Planner Cashell replied in the negative.

Selectman Maddox said he had driven by at night, finding the lighting was brighter than at Fenway Park; he then stated that the lights had not been turned off during the past few weeks but had been left running all night long. Atty. Zall said he had not been at the property at night and had not seen that. Selectman Maddox contended that 30-foot lampposts were not needed for this site, saying this was overkill. Dr. Ebeed said the lights had not been turned off because a neighbor had suggested he leave the lights on until after this meeting. He said the lights normally would be turned off after

business hours. Atty. Zall said he felt the intensity of the lighting could be reduced, as well.

Selectman Maddox said there were about six high-intensity sodium lights installed. Dr. Ebeed said only one had been running. Selectman Maddox reiterated that it was very bright.

Selectman Maddox said it would be hard for the Planning Board to ignore a petition of some 30 citizens who were unhappy. Atty. Zall said that had been the original petition, submitted at the original hearing, and he argued that the petition did not reflect that the signers still felt that way, necessarily.

Dr. Ebeed said he had tried to buy a non-white fence, but there were no other colors available, as not a lot of businesses sold fences.

Ms. McGrath asked if any of the abutters were present. No one came forward.

Ms. McGrath noted that Atty. Zall had said the lights were put up for winter, but the lights had been on for the past few weeks, in June. Atty. Zall acknowledged that the lights should not be on, saying that would be restricted. Ms. McGrath then reported that she had recently shopped for fencing at Loews herself and had found several varieties of non-white fencing available. She noted that Dr. Ebeed had readily agreed at the meeting to put up a non-white fence, and that was what the Planning Board had approved. Dr. Ebeed said the approval document just said a vinyl fence. Ms. McGrath said she had taken Dr. Ebeed at his word. Dr. Ebeed said he had done everything else, saying he did not feel this fence was that big of a deal, repeating that the agreement just referenced a vinyl fence.

Ms. McGrath noted that one of the pictures displayed by Atty. Zall clearly demonstrated that the landscaping of the property had not been maintained.

Ms. Stewart said she did not feel Dr. Ebeed had looked hard enough, noting that Gate City Fencing and Penney Fence, just up the road, had other fences, and she asked if he had called them. Dr. Ebeed said he had not done so.

Selectman Massey asked if Atty. Zall's client were aware of the final paragraph in the decision, which stipulated that all conditions of approval, regardless of whether explicitly stated, applied. Atty. Zall said they were aware of it at this point. He said he had recently reviewed the minutes with Director Sullivan, saying they were now aware of the stipulation, but they were asking for a waiver because the white fence fit in the neighborhood and looked good, matching with that of a neighbor, and it did not make sense to tear it down and replace it.

Mr. Hall said most applicants were required to provide a lighting diagram with an engineering signoff saying that light would not spill off the property, adding that he would not be in favor of granting any waiver without having that plan in hand. He expressed a belief that the existing lighting was probably excessive. Atty. Zall said that he agreed and that such an engineering plan would be presented.

Selectman Maddox returned to the subject of parking, noting that three dentists were listed on the sign. Dr. Ebeed said there were two full-time dentists, adding that one

was himself, while another worked from 8:00 a.m. to 1:00 p.m. while another worked from 2:00 p.m. to 5:00 p.m., adding that there were two hygienists . Selectman Maddox questioned if there were sufficient parking, noting that this number was different than what had been said at the original hearing . Dr. Ebeed said there had not been any problems so far, stating that the parking on Leslie Street had only occurred during the time of construction. Selectman Maddox said he had seen cars parked on Leslie Street, beside the building, since the construction period had ended. Dr. Ebeed said he did not know who they were.

Mr. Hall said he would not be in a position to vote on the proposed sidewalk without having something in hand to show what was actually being proposed. He then said he would want to know how this affected the green space .

Atty. Zall said they were here tonight, because Director Sullivan had suggested addressing these issues informally , by asking the Planning Board to waive these informal requests and that they were minor enough that plans would not be needed . If the Board felt it wanted to see a plan, he said, they would go ahead and do that. Mr. Hall said Atty. Zall had to know that this had been a contentious issue and that this approach was presumptuous, in view of the concern in that neighborhood . Atty. Zall said he had not felt it was all that contentious about these issues , saying only one person, who was present at this meeting, had complained about the fence at the time.

Ms. Chadwick asked if the applicant had looked at the issue of replacement costs, saying it would only further aggravate the residents by not responding . Atty. Zall said they would look at the cost, adding that they expected it would be high ; he then added that he had been surprised at the number of letters, as he had not thought it was that much of an issue, as only one person had raised the issue.

Ms. Stewart asked if they had a cost of a brown fence. Dr. Ebeed said he thought it would be the same as the white fence, about \$14,000. Ms. Stewart reiterated that she felt the applicant had not put enough thought into the process.

Ms. McGrath moved to require the applicant to submit a revised site plan and associated application, showing all of the changes not depicted on the Site Plan -of-Record, nor indicated in the Decision of Approval, and for said plan to be submitted to the Planning Board no later than August 15, 2008. She then noted that the purpose for the said submission was for the Planning Board to conduct a public hearing to amend the Site Plan -of-Record and Decision of Approval for 26 Derry Street, Map 174/Lot 023.

Ms. Stewart seconded the motion. Speaking on her motion, Ms. McGrath stated that, even though she had made this motion, she would not be inclined to grant any waiver of the fence that the applicant had previously agreed to , but she agreed there might be safety concerns with respect to the lighting.

Ms. Quinlan said the fence was not so much an issue to her as the walkway and the lighting, adding that she thought the existing fence was a handsome fence and a significant improvement over what had been there before, so she might entertain discussion of waiving that issue. She said a lot of neighbors had been involved with this matter, noting that the residents had complained about the property for years because of what they had been living with for years. She said the lighting and the

parking would be issues, noting that they had been major issues debated at length, and that she would not be inclined to waive those issues .

Dr. Ebeed said it had cost a lot of money to clean the property up because of an old oil spill, saying he thought it had been done in a very good way, replacing an eyesore — but in return he had experienced three issues of vandalism so far. He said he wanted to see his neighbors happy, saying he would forget the sidewalk if that bothered his neighbors, and would change the lights.

Selectman Maddox said he felt the lights should be turned off tonight, after Atty. Zall had been given a chance to go see the lights. He suggested that the number of letters received by the Board indicated that there were significant concerns. Dr. Ebeed said he would get the electrician to disconnect all the lights.

Acting Chairman Quinlan reviewed what the Board was expecting for the hearing , including a revised site plan including the walkway. Dr. E beed said he would forget the walkway, if that were a problem to the neighbors, as he did not want to bother them. Acting Chairman Quinlan said the Board would not act on this informally, noting that Mr. Hall had indicated that some sort of lighting plan was needed. She expressed a belief that the Board was disparate with respect to the fencing.

Town Planner Cashell said the parking spaces were appropriate , noting that there had been parking on Leslie Street earlier but that issue had been addressed .

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, except for Ms. Quinlan, who abstained, and Acting Chairman Quinlan declared the motion to have carried ( 6–0-1).

Chairman Barnes resumed his place at the table , with Ms. Quinlan returning to her position as a regular member of the Board.

## VII. PERFORMANCE SURETIES

Chairman Barnes noted that there were no **Performance Sureties** items to address this evening.

## VIII. ZBA INPUT ONLY

A. **Alyson Heights**  
**ZI# 04-08**

**Map 217/Lots 33 & 37**  
**67 Burns Hill Road**

**Purpose of plan: To subdivide Map 217, Lots 33 & 37 into an eleven-lot open-space subdivision, plus one remainder lot (Lot 37).**

Chairman Barnes read aloud the published notice, as repeated above.

**-- FILE COPY --**

**HUDSON PLANNING BOARD Meeting Minutes  
June 25, 2008**

**Page 7**

Town Planner Cashell said he had nothing to add beyond what was in the staff report.

Selectman Maddox noted the change in name from Alyson Heights to Graham Subdivision. Chairman Barnes said that would be straightened out for the regular hearing.

Mr. Tony Basso, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, reported on meetings with the Conservation Commission.

Mr. Hall said he was stepping down, as he had friends who were very close to this property.

Mr. Basso said a road would be brought in from Mark Street for an open-space development, and he discussed details of the proposed development, focusing on the wetland impacts, both permanent and temporary. He said he knew that there was a long road ahead before obtaining final approval, but this was strictly pertaining to the access at this time, with this access having been designated as the best approach.

Ms. McGrath asked about a driveway shown on the plan. Mr. Basso said this was an existing driveway.

Selectman Maddox expressed concern that an abutter might not have realized what property was being addressed. Mr. Basso said the address of 67 Burns Hill Road had been designated, saying abutters were not notified for ZBA Input Only hearings but would be notified for the ZBA hearing. Town Planner Cashell said the map and lot numbers had been given in the notice; Selectman Maddox responded that most people had no idea what their map and lot numbers were.

Ms. McGrath asked about a wall on the plan; Mr. Basso said part of that wall would be eliminated, but part of it would be left intact. Ms. McGrath stated that the wall was probably about 200 years old.

Ms. Quinlan questioned the issue of cul-de-sacs coming off cul-de-sacs. Town Planner Cashell noted that he had brought that issue up in his staff report. Mr. Basso said that would be dealt with at the subdivision hearings, saying he had his own opinion on that issue. Ms. Quinlan commented on the difficulties that were implied by such an approach, as Town services might not be able to get into the property readily or fast enough. Mr. Basso said he was not ignoring it, but that this had very little to do with a ZBA Input hearing and did not apply at this level but would be a part of the public hearing process.

Ms. Quinlan asked if Mark Street had been approved as a public road. Town Planner Cashell said he would check.

Selectman Maddox said he wanted it on the record that the Board was concerned about people walking away from this meeting feeling that the plan was approved by the Planning Board, if the Planning Board voted in favor of the wetland buffer. He then expressed a belief that the Planning Board should make it clear that the Board had

concerns about the design. Mr. Basso said this was a wetland buffer crossing that he was requesting, not something that the Planning Board was pushing.

Selectman Maddox asked which lot would have the open space attached to it. Mr. Basso said it would be one lot wrapped around the whole development, adding that it would be owned by the association. Mr. Basso referenced the last page of the plan, noting that the green-colored area was upland open space being dedicated for conservation, amounting to 12.9 acres, and the blue-colored area was wetlands, amounting to 4.2 acres.

Ms. McGrath noted that the owner's signature did not appear on her copy of the plan. Mr. Basso said the original that he had submitted was signed, adding that the owner, Mr. Graham, was present tonight and could sign the plan if desired.

Ms. Chadwick moved to send a note to the ZBA citing that the Planning Board had determined that the proposed wetland crossing, near the intersection with Mark Street, appeared to be an unavoidable minor wetland impact and, as such, the Board had no objection to the proposed crossing, with the stipulation that the developer be required to implement the stipulations of approval provided by the Conservation Commission in its recommendation to the ZBA. Ms. Stewart seconded the motion.

Ms. McGrath said she would like the motion changed to say simply that the Planning Board had no issues. Ms. Chadwick said she would have no issue with that, and Ms. McGrath then read aloud the revised motion, as follows: to forward correspondence citing that the Planning Board has no objection to the wetland crossing as proposed in accordance with the stipulation that the developer be required to implement the stipulations of approval provided by the Conservation Commission in its recommendation to the ZBA.

Ms. Stewart, as seconder, agreed to the change.

Ms. Quinlan asked if the Planning Board could relook at the cul-de-sac issue at the next workshop meeting, suggesting that it might be good to have someone from the Fire department and/or the Police Department come discuss their issues.

Ms. McGrath said she would vote for this motion, as the wetland seemed minimal, but she had issues with the site and some of the lots.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6 -0).

Mr. Hall returned to the table, resuming his position as a voting member.

## IX. CONCEPTUAL REVIEW ONLY

Chairman Barnes noted that there were no **Conceptual Review Only** items to address this evening.

X. OLD BUSINESS

- A. **Campbello Street LLR** **Map 165/Lots 29 & 30**  
**Verbeck/Davani SB# 03-08** **20&22 Campbello Street**

**Purpose of Plan: To adjust the adjoining lot line between Lots 29 & 30. No new building lots created. Hearing Deferred Date Specific from the 05-28-08 Planning Board Meeting.**

Chairman Barnes read aloud the published notice, as repeated above.

Town Planner Cashell said he had no changes to what was given in his staff report.

Mr. Don Duval, of Duval Survey, Inc., representing the applicant, said there had been confusion as to what had been granted by the ZBA, as there had been two actions by that board .

Ms. McGrath noted that she had sat on this issue as a member of the ZBA, and she then stepped down. Ms. Quinlan then assumed the role of Acting Planning Board Secretary for this hearing.

Mr. Duval said the lot line was moving about 4.5 feet.

Chairman Barnes opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Barnes asked if members of the Board had any questions.

Mr. Hall asked if he were correct in understanding that the ZBA had granted permission for the house to extend onto the next site, but the two landowners had subsequently agreed to move the lot line, so as to remove the question of the easement. Town Planner Cashell said the equitable waiver had been granted.

Rebecca Davani said she wanted to build on the opposite side of her house, but could not do so because part of her house was on property owned by Mr. Verbeck.

Chairman Barnes asked if there were any further questions. None were brought forward.

Ms. Quinlan moved to approve the Lot Line Relocation Plan for 20 & 22 Campbello Street, Map 165/Lots 29 & 30; entitled: ***Lot Line Adjustment Plan Map #165 Lots 29 & 30 #20 & #22 Campbello Street, Hudson, NH***, prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH, dated: March 28, 2008 (no revision date), consisting of Sheet 1 of 1 and Notes 1 through 10, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the Decision of Approval, which shall be recorded at the Hillsborough County Registry of Deeds, together with the Plan.

2. Prior to Planning Board endorsement of the Plan -of-Record, the applicant shall delete the list of waivers presently cited on the plan.
3. All monumentation shall be set or bonded for prior to the Planning Board endorsing the Plan -of-Record.
4. The above decision takes into consideration the Zoning Board of Adjustment's Decisions to grant a 2.5 ft. "Equitable Waiver" on the encroachment of the existing dwelling structure at 20 Campbello Street, Map 165/Lot 029, Case 165 -29, recorded at the Hillsborough County Registry of Deeds, Book 7947, Page 1880.

Ms. Chadwick seconded the motion.

Mr. Hall asked if the Planning Board had previously granted the waivers. Chairman Barnes said the recommendation had been that the waivers were not applicable.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (6 -0).

Ms. McGrath returned to the table, resuming her place as a regular voting member of the Board.

**B. Thurston's West LLR  
SB# 04-08**

**Map 185/Lots 11 & 12  
14 & 51 Flying Rock Road**

**Purpose of Plan: Lot line relocation with an even exchange of land between Lots 11 & 12. No new building lots created. Hearing. Deferred Date Specific from the 05-28-08 Planning Board Meeting.**

Chairman Barnes read aloud the published notice, as repeated above, adding that there was a letter in the correspondence packet from Atty. David Groff, legal counsel for the property owner, which had appeared today, but the Planning Board members and the Town Attorney had not yet had time to review that letter. Town Planner Cashell said the Town Attorney very much wanted to provide a review of the letter for the Board's next meeting.

Mr. Richard Maynard, Professional Engineer, of Maynard & Paquette, Engineering Associates, LLC, appeared before the Board as the engineering representative of the applicant, distributed copies of letters from himself, respectively dated 06 -02-08 and 06-24-08, with the latter accompanied by a copy of an 06 -23-08 memo from "JAC."

Mr. Hall questioned getting into this matter without first having the Town Attorney review the material, and he suggested deferral would be appropriate at this time.

Mr. Maynard said he wanted to speak briefly so that the Board would have all the information in hand and would not be asking for more deferrals later. He then expressed concern that his 06 -02-08 letter had apparently been withheld by staff and

not distributed to the members of the Board, saying that he objected to that. He said the staff report said the court had held up the denial of the plan, saying this was not the case, but the case had been withdrawn because of a settlement between the parties. He then said the *Fisher v. City of Dover* case only pertained to ZB A cases, adding that lot-line relocation fell under subdivision regulation by right. He said this was not the same plan that was reviewed in 2004, noting that he had listed in his June 24<sup>th</sup> letter three or four items that were different, saying the application met all requirements and needed no waivers. He said the lot lines and layout of the lots was different, the lot sizes were different, the dry lands were all continuous, whereas before it had been separated, and the lots were not the same, with different upland areas and building size. Referring to the plan displayed on the meeting room wall, he said the color coding identified differences between what was originally proposed in 1987 and what was being proposed tonight, adding that the new plan was substantially better than the 1987 plan. He then discussed other nearby houses in the area that he said were even closer to the steep slope than the 36 feet being proposed. He noted that Atty. Gr off was present to answer any questions, adding that it was unfortunate that Town Planner Cashell's staff reports were not available sooner for response.

Mr. Hall said he was prepared to make a motion to defer, so that the Town Attorney would have an opportunity to review all the correspondence. Ms. McGrath said she would second the motion. Town Planner Cashell confirmed that Mr. Maynard would be available on July 9<sup>th</sup>.

Ms. Quinlan noted that both she and Mr. Hall had testified when this plan had come in before, and she expressed a desire to send correspondence to Judge Hansley to let him know of the havoc his decision had caused.

Mr. Hall moved to defer this item date specific to the 07-09-08 Planning Board meeting. Ms. McGrath seconded the motion. Mr. Maynard requested that a copy of his 06-24-08 memo be provided to the Town Attorney, as well, and Mr. Hall concurred.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7 -0).

Mr. Maynard said more than one judge had been involved, as the Town had lost multiple lawsuits with regard to this property.

Town Planner Cashell said he had not withheld information, saying he had not known the June 2<sup>nd</sup> letter was in the file.

Chairman Barnes declared a break at 8:43 p.m., calling the meeting back to order at 9:04 p.m.



**VOTE:** Chairman Barnes called for a verbal vote on the motion to grant Application Acceptance for the site plan. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7 -0).

Mr. Colburn discussed details of the plans displayed on the meeting room wall, noting that he had handed out full -size plans, an aerial photo of the existing facility, and a revised waiver request, which had been changed in accordance with discussion at a ZBA hearing.

Ms. McGrath asked about an unclear waiver request. Mr. Colburn requested to take that out, saying it pertained to the original two-lot configuration and was no longer required. He said he wanted four waivers —for HISS mapping, environmental analysis, HISS/Environmental study, and two driveways. He said there would be two industrial buildings, which he described, with a 13,800 -ft<sup>2</sup> expansion to the existing facility and a separate standalone 12,800 -ft<sup>2</sup> building. He said this would provide an office area separated from the manufacturing facility. He then outlined the total areas for each use, including a description of the complexities of the overall manufacturing process used by Mr. Chasse, as well as outlining the drainage plans, noting that the goal was to bring municipal water to the site. Since the site was outside the sewer district, he noted, two septic systems were proposed.

Mr. Basso noted that Mr. Tate had paid CAP fees on these lots long ago, saying they would be looking for credit on all those payments.

Mr. J. Bradford Seabury noted that there had been discussion on the Plan -Link listserv this week reporting that septic expansion systems often were not actually built after they were applied for, and he asked if these systems would actually be done. Mr. Basso said two new systems would be designed and built.

Ms. Quinlan asked if the new building would have a flat roof. Mr. Colburn said it would appear flat but would be pitched. Ms. Quinlan expressed concern about possible contamination of the nearby pond from accumulation on the roof and parking lot. Mr. Basso said the roof and parking area had all been accounted for in the drainage management area, as required by the regulations, as noted on Sheet 5. He said the area would be seeded and planted. He confirmed that trees would be cut, but not inside the buffer, noting that the landscaping plan was Sheet 10 of the packet, showing 22 new shade trees and 145 new shrubs.

Ms. Chadwick asked if a traffic analysis had been made, in response to the questions raised about traffic by CLD (Costello, Lomasney, and deNapoli, Inc., the Planning Board's engineering consultants). Mr. Colburn said Greenland -Peterson had been contracted and a new study had been submitted to CLD. Town Planner Cashell noted that the trees along the Robinson Road area were a bit sparse in the displayed aerial view. Mr. Basso said that was probably a picture taken in the fall, adding that the area in question was simply a graveled parking area at the current time. He said the edge along Robinson Road was a lot thicker than portrayed.

Mr. Hall referenced the paved parking area, asking if storage would be taking place. Mr. Basso described the equipment involved, saying it was for deliveries and a rotating

outdoor storage, as well as maneuvering. Mr. Hall suggested that the plan should be amended to indicate that, saying an area should be designated for outdoor storage; he then suggested that some type of screening would be appropriate, as well as text identifying what would be stored. Mr. Basso said it would only be steel product. Mr. Basso said the area was screened from Robinson Road by the buildings and by a significant grade change. He said other things were being stored out there now that were not Mr. Chasse's, adding that all of this would be cleaned up. He clarified that the new building would be office and manufacturing, while the old one would be storage and warehouse. Ms. Stewart suggested the office space should be better labeled.

Ms. McGrath said the fourth waiver should be added to the plan. Mr. Colburn said the most recent version did list all four.

Chairman Barnes said the parking calculations did not seem to reflect the same totals as the building area. Mr. Colburn suggested that Chairman Barnes had not included the second-floor office area. Mr. Basso said the calculations would be revised to clarify that.

Chairman Barnes referenced Sheet 10, the Landscaping Plan, saying there were a number of storage areas in the front, but only a tiny snow storage area in the rear; he questioned where the snow from the huge pavement area would be placed. Mr. Colburn referenced Note 5, saying excess snow would be removed from the property after capacity had been reached. Chairman Barnes expressed concern that it would be too easy to push the snow down into the pond.

Chairman Barnes noted that the pavement area would be increasing runoff from the property. Mr. Colburn said Heidi Marshall at CLD had been concerned by his not accounting for infiltration in the first version of the plan, adding that he had addressed that by surrounding the paved areas with bituminous curb routing the water into the proposed stormwater management area, and adding further that a new infiltration component had been added on the latest plan. Mr. Colburn said the storm water would stay on site and be infiltrated into the ground.

Chairman Barnes asked why traffic counts had not been used. Mr. Basso said an ITE trip generation had been used, but CLD had wanted a full-blown traffic study, so they had done it. What CLD had originally reviewed, he said, was the trip-generation figures, using the calculations from the adjoining site (St. Joseph's, which he had also engineered). He said he had not felt that a traffic study and the expense of doing it and having it reviewed were warranted, but he had not wanted to argue about it. Mr. Colburn said the level of traffic was two to four per hour, adding that the conclusion was that this site would not generate traffic. Mr. Basso said this was what his original trip-generation model had shown.

Selectman Maddox asked about a spur shown on the plan. Mr. Basso said it would be a dry hydrant.

Mr. Hall asked if he understood correctly that a breakdown would be given for what had been paid on the Christine Drive lots. Mr. Basso affirmed that he would do that.

Ms. Stewart moved to accept the ***Lot Line Adjustment Consolidation Easement Plan Application for S. L. Chasse Welding & Fabricating, Ind., Map 110/Lots 37,***

**38, & 39, Map 105/Lot 14, Christine Drive.** Mr. Hall noted that the Board had already granted Application Acceptance. Chairman Barnes concurred.

Ms. Stewart moved to grant a waiver for the HISS mapping requirement of HTC 289 - 26 B (10). Selectman Maddox seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7 -0).

Ms. Stewart moved to approve the **Lot Line Adjustment/Consolidation/Easement Plan, S. L. Chasse Welding & Fabricating, Inc., Map 110/Lots 37, 38 & 39, Map 105/Lot 14, Christine Drive, Hudson, NH, Hillsborough County**, prepared by Keach - Nordstrom Associates, Inc., dated: December 28, 2007 (no revision date), consisting of Sheet 1 of 1 and Notes 1 through 8, in accordance with the following terms and conditions:

1. All stipulations of approval shall be incorporated into the approval decision, which shall be recorded at the Hillsborough County Registry of Deeds, together with the plan.
2. Approval of this plan is exclusive to (A) the subdivision of Parcel "A" from Map 110/Lot 37 and consolidation with Map 105/Lot 14, (B) Consolidation of remaining Map 110/Lot 37 with Lots 38 & 39 into one new Lot 39, and (C) creation of the drainage easement to benefit new Lot 39.
3. The above-cited drainage easement and associated easement document shall be reviewed and favorably recommended on by Town Counsel prior to final plat endorsement.
4. All monumentation shall be set or bonded prior to the Planning Board endorsing the Plan of-Record.
5. Prior to Planning Board endorsement of the final plat, the HISS Mapping waiver shall be inscribed on the plan.

Ms. Chadwick seconded the motion.

Chairman Barnes asked what would happen if the Board approved the Lot-Line Adjustment/Consolidation/ Easement Plan but then did not approve the site plan. Mr. Basso said that would not be a problem, as he would just hold off putting this on record until after the site plan was approved.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7 -0).

Mr. Basso said he had some water issues to deal with, suggesting that deferral of the site plan be to the August 13th meeting.

Ms. McGrath moved to defer further action on this matter to the meeting of August 13<sup>th</sup>. Ms. Quinlan seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor, and Chairman Barnes declared the motion to have carried unanimously (7 -0).

## XII. OTHER BUSINESS.

### A. Arista Development (Walgreen's)

Chairman Barnes referenced a letter in the packet about a modification of the wall proposed for 90 Derry Street, noting that there was another letter in the handout packet on the same issue. He asked if the intent was to get approval without a hearing. Town Planner Cashell asked if the Board wanted to recognize it as a change that could be approved as part of the as-built plan to be submitted later. Selectman Massey said this was a classic example of a minor site plan issue. Town Planner Cashell commented on the wall issue, explaining what was intended. Ms. Quinlan moved to accept the applicant's proposal for the additional landscaping of the stone wall, with the provision that the as-built site plan submitted to the Planning Board for signature will include that amended feature. Ms. McGrath seconded the motion for the purpose of discussion, stating for the record that she appreciated the applicant bringing this back to the Board. Ms. Chadwick suggested that the height and width of the wall be identified. Ms. Quinlan suggested that the motion reference the wall as depicted in the rendering of June 16, 2008, by T.F. Moran, as well as the provided photograph.

Selectman Maddox said he would vote in opposition, as this would be approving a piece of a plan that the Board had not seen before, saying he would rather have the Board see a plan that reflected the whole.

Ms. McGrath restated the motion as being to approve the applicant's proposal for the additional landscaping of the stone wall as depicted in the applicant's rendering of 06-16-08 by T.F. Moran, Civil Engineers, and that the "As-Built" plan submitted to the Planning Board for signatures shall include the modified landscaping wall.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor except for Selectman Maddox, who voted in opposition, and Mr. Hall, who abstained, and Chairman Barnes declared the motion to have carried (5-1-1).

Selectman Massey referenced the issues that had arisen with respect to the approval of the St. Joseph's plan relative to the ability to provide Town water, reporting that he had asked the Water Utility Committee to bring to the Water Commissioners (the Board of Selectmen) a proposal that would essentially say that no site plan would

have final approval until final approval by the Water Utility Committee had been obtained—noting that this would pertain only with respect to new connections, not connections to an existing line. He said something would be proposed within the next one to two months, suggesting it would wind up being on the checklist for Planning Board application submissions. He noted that the St. Joseph's plan was being held up because the Fire Department would not sign off on the Building Permit until the final issue with the Water Utility had been resolved.

Selectman Maddox noted that there had been discussion at the joint meeting of the Board of Selectmen with the Planning Board about tightening up on things sliding through the process without getting approved; he reported that Mr. Russo, Selectman Massey, and himself would be working on that and would be getting an outline from Director Sullivan in the near future. He then added that the School Board would be coming in the near future to discuss getting the impact -fee mone ys that had been collected for the School District.

**XIII. ADJOURNMENT.**

All scheduled items having been addressed, Ms. McGrath moved to adjourn; Selectman Maddox seconded the motion.

**VOTE:** Chairman Barnes called for a verbal vote on the motion. All members voted in favor.

Chairman Barnes then declared the meeting to be adjourned at 10:00 p.m.

Date: June 25, 2008

\_\_\_\_\_  
James Barnes, Chairman

J. Bradford Seabury, Recorder

\_\_\_\_\_  
Marilyn McGrath, Secretary

These minutes were accepted as submitted following review at the 09-24-08 Planning Board meeting.